IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

Bail Appl..No. 5054 of 2007()

CRLMP.6835/2007 of J.M.F.C.-III, PUNALUR

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CRIME NO.380/2000 OF KUNNICODU POLICE STATION

PETITIONER/ACCUSED

PRASAD, S/O.DIVAKARAN, PRASAD MANDIRAM, KINATTINKARA, DHARMAPURI WARD, VILAKUDI VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5054 of 2007

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Dated this the 20th day of August, 2007

ORDER

Application for regular bail. Allegations are raised under the provisions of the Kerala Abkari Act. The petitioner was allegedly found to be in possession of 3 litres of arrack on 28.12.2000. Investigation is complete. Final report has been filed. Committal proceedings has been registered. Consequent to nonappearance, the case against him has been refiled as L.P.No.71/2002.

2. According to the learned counsel for the petitioner, the petitioner is absolutely innocent. He had appeared before the learned Magistrate on 1.08.07. He continues in custody from that date.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can now be enlarged on bail subject to appropriate conditions. Appropriate safe guards can of course be insisted.

4. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the S.H.O., Kunnicodu Police Station on all first Monday of every English Calender Month between 5 p.m and 6 p.m., until the case against him is finally disposed of.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE